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6 Las Vegas, Nevada 89102
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10 Attorneys for Defendant
11 AMERICAN AIRLINES, INC.

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 NORA FARACE, an individual,)
15 ANTHONY F. FARACE, an individual,) Case No. _____
16 Plaintiffs,)
17 vs.)
18 AMERICAN AIRLINES, INC., a Foreign)
19 Corporation; CLARK COUNTY)
20 DEPARTMENT OF AVIATION, a)
Political Subdivision of the State of Nevada)
as owner and operator of McCARRAN)
INTERNATIONAL AIRPORT; and ROE)
CORPORATIONS I through XXX,)
inclusive,)
Defendants.)

21 **AMERICAN AIRLINES, INC.'S NOTICE OF REMOVAL AND**
DEMAND FOR JURY TRIAL

22 PLEASE TAKE NOTICE that Defendant AMERICAN AIRLINES, INC. Hereby
23 removes this action from the Eighth Judicial District Court of the State of Nevada, in and for
24 Clark County, Nevada, to the United States District Court for the District of Nevada, pursuant to
25 Section 1441 of Title 28 of the United States Code (Diversity of Citizenship).
26
27

1 The removal of this action is based upon the following:

2 1. This action is a civil action within the meaning of Acts of Congress relating to
3 removal of cases.

5 2. Plaintiffs Nora Farace and Anthony F. Farace filed a Complaint for damages in
6 the Eighth Judicial District Court, in and for Clark County, Nevada (the State Court). Plaintiff
7 then filed an Amended Complaint. The State Court assigned this matter number A-10-614252-
8
9 C. The Complaint asserted a cause of action for personal injury against Defendant American
10 Airlines, Inc., (a copy of the original Complaint is attached as Exhibit A). Plaintiff served
11 American Airlines, Inc. with a copy of the Summons and Amended Complaint on April 29, 2010.

12 3. In the state court action, set forth in the Amended Complaint, Plaintiff seeks to
13 recover damages from Defendants claiming negligence, breach of warranty of merchantability,
14 strict products liability, breach of warranty for intended use, breach of duty to warn of dangerous
15 defects, breach of contract, and loss of consortium.

17 4. This Court has original jurisdiction over the claims alleged herein for the reasons
18 set forth below:

19 a. According to the Complaint Plaintiffs are, and was at all times relevant,
20 residents of Huntley, Illinois.

21 b. Defendant American Airlines, Inc. is incorporated in the State of
22
23 Delaware.

24 c. Defendant Clark County Department of Aviation, a political subdivision of
25 the State of Nevada as owner and operator of McCarran International Airport is a political
26 subdivision of the State of Nevada.

1 d. Based upon Plaintiffs' assertions of injuries, Defendant American Airlines,
2 Inc. believes in good faith that the amount in controversy exceeds the amount of \$75,000.00,
3 exclusive of costs and interest.
4

5 e. The State Court action is a civil action between citizens of different states,
6 and the matter in controversy exceeds \$75,000.00, exclusive of costs and interest. The District
7 Court has original jurisdiction over this matter pursuant to 28 USC, Section 1332.
8

9 5. Defendant American Airlines, Inc. has served a copy of this Notice of Removal on
10 May 17, 2010, by mailing said Notice to counsel of record and by filing a copy of this Notice of
11 Removal with the District Court for Clark County.
12

13 6. Defendant American Airlines, Inc. respectfully demands a trial by jury of the
14 above-captioned matter.
15

16 WHEREFORE, Defendant American Airlines, Inc. hereby removes the State Court action
17 pending as Case No. A-10-614252-C in the Nevada District Court to this Honorable Court.
18

19 Dated this 17th day of May, 2010.
20

21 PERRY, SPANN & WESTBROOK
22 A Professional Corporation
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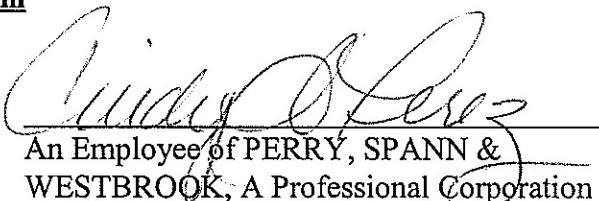


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31 Attorneys for Defendant AMERICAN AIRLINES
32

1
2 **CERTIFICATE OF MAILING**
3

4 I HEREBY CERTIFY that on the 17th day of May, 2010, a true and correct copy of the
5 foregoing **AMERICAN AIRLINES, INC.'S NOTICE OF REMOVAL AND**
6 **DEMAND FOR JURY TRIAL** was served by depositing the same in the U.S. Mails at Las
7 Vegas, Nevada, postage fully prepaid, and addressed to the following:
8

9 Donald C. Kudler, Esq.
10 CAP & KUDLER
11 3202 W. Charleston Blvd.
12 Las Vegas, NV 89102
13 Telephone: (702) 878-8778
14 Facsimile: (702) 878-9350
15 E-Mail: donaldkudler@capandkudler.com
16 Attorneys for Plaintiffs

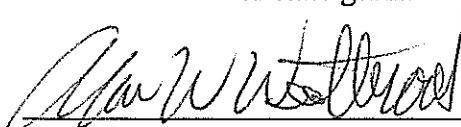
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18 An Employee of PERRY, SPANN &
19 WESTBROOK, A Professional Corporation
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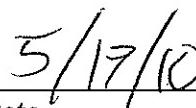
1
2 **AFFIRMATION**
3 **Pursuant to NRS 239B.030**

4 The undersigned does hereby affirm that the preceding document, filed in United
5 States District Court, District of Nevada, Case **Farace v. American Airlines, Inc.**, Case No.
6 _____:

- 7
8 ■ Does not contain the social security number of any person.
9
10 -**or**-
11 □ Contains the social security number of a person as required by:
12 A. A specific state or federal law, to wit:
13
14

15 State specific law
16 -**or**-
17 B. For the administration of a public program or for an application for a federal
18 or state grant.

19 
20 ALAN W. WESTBROOK, ESQ.
21 Attorney for Defendant
22 American Airlines, Inc.

23 
24

25 Date
26
27
28